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PATENT
450100-4443.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : Keiji KANOTA et al.
Serial No. : 10/809,913
Filing Date : March 25, 2004
Application to
Reissue Patent No. : 6,363,211
Issued : March 26, 2002
Title : DATA RECORDING APPARATUS AND METHOD,
DATA REPRODUCING APPARATUS AND METHOD,
DATA RECORDING/REPRODUCING APPARATUS
AND METHOD, AND TRANSMISSION MEDIUM

745 Fifth Avenue
New York, NY 10151

DECLARATION OF INVENTORS

As a below-named inventor, I hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name.
2. I verily believe myself to be the original and first inventor of the invention described and claimed in U.S. Patent No. 6,363,211 for which a reissue patent is sought on the invention and in the specification filed herewith. Also, by being a named inventor on the reissue application and the original application, and by my education, training and experience, I am qualified to render opinions concerning the subject matter of the reissue application.
3. I hereby state that I have reviewed and understand the contents of the aforementioned specification, including the claims.

4. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

5. I hereby claim foreign priority benefits under Title 35, United States Code § 119 from Japanese application number 9-134071, filed May 23, 1997, and state that no other application for patent or inventor's certificate or any PCT international application was filed by me on the same subject matter prior to May 23, 1997. A certified copy of this priority application was filed in U.S. Patent No. 6,363,211.

6. I do not know and do not believe that the invention was ever known or used in the United States of America before my invention thereof.

7. I verily believe the original Letters Patent to be wholly or partly inoperative or invalid by reason of my claiming more or less than I had a right to claim in the patent by at least failing to claim subject matter include the following elements in at least one claim, namely:

whereby in the first method the recording of the first data is limited from being written to a replacement sector and is enabled to be written continuously to the recording medium and whereby in the second method, the recording of the second data is not limited and is enabled to be written to a replacement sector and also continuously to the recording medium.

8. I did not discover that the claims of the original patent claimed more or less than I had a right to claim until after the original patent was issued.

9. No claim was previously presented during prosecution of the above referenced patent that particularly claimed the method or apparatus described in paragraph 7 above.

10. The error noted above, as well as any other errors to be corrected herein arose without any deceptive intention on my part.

11. New claims 28-54 submitted with this application now particularly point out the subject matter which I considered my invention and round out the scope of protection to which I am entitled. By the omission of such claims, the original patent claims less than I had a right to claim.

I hereby appoint William S. Frommer, Registration No. 25,506, of Frommer Lawrence & Haug LLP or his duly appointed associate, my attorney, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following address:

William S. Frommer, Esq.
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, New York 10151

Direct all telephone calls to: (212) 588-0800 to the attention of William S. Frommer, Esq.

Facsimile: (212) 588-0500.

Wherefore I pray that I may be allowed to surrender the Letters Patent No. 6,363,211, granted March 26, 2002, whereof Sony Corporation, on whose behalf and with whose assent this application is made, is the sole owner, by Assignment, and that Letters Patent may be reissued to Sony Corporation for the same invention upon the attached specification.

I, the undersigned applicant, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Keiji KANOTA

Date

Residence: Kanagawa, Japan

Citizenship: Japan

Shunji OKADA

Date

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Citizenship: Japan

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Date

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Keiji Kanota

Keiji KANOTA

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Date

Residence: Kanagawa, Japan

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